



Indiana Department of Education

SUPPORTING STUDENT SUCCESS

Indiana Department of Education
Division of School and Community Nutrition Programs
Food Distribution Program

LEA's Handling and Reporting of Damaged USDA Commodities

- PURPOSE:** This policy establishes the procedures the state agency will follow when donated food containers are damaged while in the care and control of the recipient agency.
- SCOPE:** Organizations participating in the USDA Food Distribution Program.
- DEFINITIONS:** Damaged containers are, for the purpose of this policy, defined as any packaging material which has been ripped, torn, punctured, dented, or otherwise altered in such a way as to detract from the normal appearance of the container. Damaged containers may or may not expose the contents to possible contamination. Commodities in damaged containers are to be handled in the following manner:
- DESCRIPTION:**
1. If the damage is recognized at the time of delivery, a notation must be made on the delivery receipt. The delivery agent must initial the receipt. The proper reporting document must be completed and forwarded to the state agency. (Local Education Agency Complaint Form - page 3)
 2. Commodities in damaged containers, other than grain products, must be accepted and salvaged, to the extent possible, for program use.
 3. Commodities which have been exposed to possible contamination and cannot be salvaged for program use are considered to be out-of-condition and must be handled in the manner described on page 5 regarding state agency policy for the destruction of USDA commodities.
 4. Complete and forward to the state agency all appropriate reports.

5. In situations where hidden damage is discovered sometime after delivery, the incident must also be reported to the state agency . The above procedures apply except for the delivery agent's initialing the delivery receipt.

Upon receipt of the appropriate reports, the state agency will investigate the incident. If a donated food loss occurs and is determined to be the responsibility of the contractor, the state agency will initiate a corrective action request.

Corrective action by the contractor will involve one of two options.

One, the contractor may replace the donated food from commercial stock; the replacement product must be of equal or higher quality. Two, the contractor may choose to make a market value reimbursement directly to the recipient agency. The donated food market value at the time of the loss will be used to calculate the reimbursement.

Source: United States Department of Agriculture Regulations, 7 CFR Part 250.13 (e)(f).

Handling Damaged Grain Products

PURPOSE: This policy establishes the procedures to follow when bags of grain products become damaged while in the care and control of the contractor.

SCOPE: Contractors responsible for the distribution of USDA Commodities while under contract with the State of Indiana.

DEFINITIONS: Damaged containers are, for the purpose of this policy, defined as any packaging material which has been ripped, torn, punctured, dented, or otherwise altered in such a way as to detract from the normal appearance of the container. Damaged containers may or may not expose the contents to possible contamination.

DESCRIPTION: Food distribution contractors will not recoup grain products by means of repackaging, taping, or otherwise repairing any damaged packaging material which has in any way exposed the contents to possible contamination. Flour and other grain type commodity foods packed in 50#, 25#, and 10# bags are particularly vulnerable to damage. If damaged this product must be destroyed.

DIVISION OF SCHOOL AND COMMUNITY NUTRITION PROGRAMS
FOOD DISTRIBUTION PROGRAM
Local Education Agency Complaint Form

This form is to be used **ONLY** when questions of commodity **QUALITY** or **HEALTH RISK** issues require State Agency and/or U.S. Department of Agriculture action. **FAX (317) 232-0855**

Date: _____

R/A Number: _____

Local Education Agency: _____

Address: _____ **City:** _____ **Zip:** _____

Contact Person: _____ **Phone:** (____) _____

Date and time of State Agency notification: _____

State Agency contact person: _____

Commodity (food): _____ Commodity Code: _____

Description of the problem: _____

Date Received: _____ Pack Date: _____

Current Location: _____ Number of Units: _____

Information needed from box: Contract Number _____ Lot Number: _____

Signature: _____ Date: _____

State Agency Use Only:

NOTICE TO DELIVERY NUMBER (ND):
DELIVERY ORDER NUMBER (DO):

Commodity Complaint Hotline: 1-800-446-6991

Email: commoditycomplaints@fns.usda.gov

Fax (703) 305-1410 or (703) 305-2420, or

Regular mail: US Department of Agriculture, Food and Nutrition Service,

Food Distribution Division 3101 Park Center Drive, Alexandria, VA 22302

LEA's Destruction of Donated Foods

PURPOSE: This policy establishes the procedures that must be followed if donated foods are found to be damaged or out-of-condition while in the care and control of the LEA (Local Education Agency).

SCOPE: Organizations participating in the USDA Food Distribution Program.

DEFINITIONS: Any time USDA commodities are found to be out-of-condition while in the possession of the LEA, including storage at the state agency contracted distributor, and such donated foods are declared to be unsuitable for program use by authorized federal, state, or local officials, including those of recognized health inspection agencies or other persons designated by the state agency, the donated food must be properly destroyed in accordance with applicable federal, state, and local health and sanitation laws, regulations, ordinances, and instructions. The school nutrition specialist will have the authority to act on behalf of the state agency in all matters relating to the proper disposition of damaged and/or out-of-condition USDA commodities.

The state agency must be notified immediately when commodities are discovered to be out-of-condition and destruction is required. The incident may, be reported by telephone, but must be confirmed in writing on the LEA Complaint Form (page 3). A written report from the appropriate health official, if applicable, is to be included. All information must be forwarded to the state agency within ten working days.

The following are examples of conditions which may lead to commodities becoming unsuitable for program use:

1. Improper packaging by the vendor (USDA contractor).
2. Hidden damage caused by improper handling, at the place of origin (USDA vendor), or the state agency -contracted distributor.

Once a commodity has been declared unsuitable for program use, the state agency or other appropriate authority will require that such commodity be destroyed in a manner that conforms to all applicable federal, state, and local health laws, ordinances, and regulations.

- Description: In summary, the following steps are to be taken upon discovery that a commodity may be unsuitable for program use:
1. Notify the state agency immediately. The first contact may be by telephone, but a written report must be submitted within ten working days.
 2. Notify the local health department and request an inspection of the commodity in question. *
 3. Segregate the suspect commodity product within the appropriate type of storage. This will permit a more orderly inspection and will reduce the chance of contaminating other food items. *
 4. Maintain the following data, which is required for completing the LEA Complaint Form.
 - a. The name of the commodity
 - b. Commodity Code
 - c. Quantity of food that was destroyed.
 - d. Contract and/or plant number.
 - e. Lot number.
 - f. A product pack date.
 - g. Date the commodity was received from the state agency -contracted distributor.
- * Steps 2 and 3 may be omitted by permission of the state agency (or school nutrition specialist), in situations that require immediate destruction in order to reduce the opportunity for additional infestation or contamination.

SOURCE: United States Department of Agriculture Regulations, 7 CFR Part 250.13(f).